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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,198	01/04/2002	Dean S. Nelson	10014065-1	2049

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EXAMINER	
POKRZYWA, JOSEPH R	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,198	NELSON ET AL.	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/4/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 1/4/02 have been considered by the examiner (see attached PTO-1449).

Drawings

2. The drawings received on 1/4/02 are acceptable by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-26** are rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo (U.S. Patent Number 5,287,194, cited in the Information Disclosure Statement dated 1/4/02).

Regarding ***claim 1***, Lobiondo discloses a method for balancing printing request loads comprising receiving printing request data that corresponds to a printing request at primary destinations (steps 410-420 in Fig. 4, column 6, lines 50-67), selecting a secondary destination to process the printing request (steps 415-465 in Fig. 4, column 7, lines 5-9), and transmitting print queue data to the secondary destination (step 465 in Fig. 4, column 7, lines 5-9), the print queue

data including information corresponding to the printing request (column 6, line 50-column 7, line 9).

Regarding ***claim 2***, Lobiondo discloses the method discussed above in claim 1, and further teaches that receiving comprises receiving multiple print request data that corresponds to multiple print requests at the primary destination, and transmitting comprises transmitting print request data that corresponds to at least one of the print requests to the secondary destination (column 5, lines 15-62, and column 6, line 50-column 7, line 9).

Regarding ***claim 3***, Lobiondo discloses the method discussed above in claim 1, and further teaches that the printing request data is received from a source (being a workstation 30, seen in Fig. 1, column 3, lines 16-64), and further comprising transmitting secondary print destination data to the source, the secondary print destination data including information corresponding to the secondary destination (column 3, line 16-column 4, line 34, and column 5, line 45-column 6, line 49).

Regarding ***claim 4***, Lobiondo discloses the method discussed above in claim 1, and further teaches that the selecting further includes communicating with a secondary destination, and determining if the secondary destination is able to process the printing request (step 445 in Fig. 4, column 6, line 66-column 7, line 9).

Regarding ***claim 5***, Lobiondo discloses the method discussed above in claim 3, and further teaches of creating the print queue data, and creating the secondary print destination data (column 6, line 22-column 7, line 9).

Regarding ***claim 6***, Lobiondo discloses the method discussed above in claim 1, and further teaches of receiving the printing request from a source (being a workstation 30, seen in

Fig. 1, column 3, lines 16-64), and transmitting secondary print destination data indicating that the source is to transmit information corresponding to a print task to the secondary destination (column 4, line 16-column 5, line 44).

Regarding ***claim 7***, Lobiondo discloses the method discussed above in claim 4, and further teaches of determining if the secondary destination is able to continue processing additional print requests (column 5, lines 15-62, and column 6, line 7-column 7, line 9).

Regarding ***claim 8***, Lobiondo discloses the method discussed above in claim 1, and further teaches of sending the information corresponding to the print task to the secondary destination (column 6, line 22-column 7, line 9).

Regarding ***claim 9***, Lobiondo discloses the method discussed above in claim 1, and further teaches of receiving the print queue data, and receiving information corresponding to a print task (column 6, line 22-column 7, line 9).

Regarding ***claim 10***, Lobiondo discloses a system for load-balancing comprising a primary print server (one of the workstations 30 that incorporate the scheduler 50, as read in column 3, lines 16-50, and seen in Fig. 1, being the workstation 30 connected via network 20 to the right of server 60 and connected to left of printer 10) configured to receive printing request data corresponding to a printing request (steps 410-420 in Fig. 4, column 6, lines 50-67), determine if the primary print server is able to process the printing request data (steps 410-420 in Fig. 4, column 6, lines 50-67), communicatively couple with another print server (see Fig. 1, wherein workstation 30 is coupled to server 60), transmit print queue data to another print server (step 465 in Fig. 4, column 7, lines 5-9), and transmit secondary print destination data to the

source of the primary request data indicating that the source is to transmit the information corresponding to the print task to another print server (column 6, lines 8-49).

Regarding ***claim 11***, Lobiondo discloses the system discussed above in claim 10, and further teaches of a source of a printing request for a printing task (column 3, line 16-column 4, line 65).

Regarding ***claim 12***, Lobiondo discloses the system discussed above in claim 10, and further teaches of a secondary print server communicatively coupled to the primary print server (see Fig. 1), a secondary print server system configured to receive the print queue data, and wherein the secondary print server is configured to receive information corresponding to the print task (column 6, line 50-column 7, line 9).

Regarding ***claim 13***, Lobiondo discloses the system discussed above in claim 12, and further teaches that the primary print server is configured to determine if the secondary print server is able to process the printing request data (column 5, lines 15-62, and column 6, line 7-column 7, line 9).

Regarding ***claim 14***, Lobiondo discloses the system discussed above in claim 10, and further teaches that the primary print server is configured to produce the print queue data and the secondary print destination data (column 5, lines 15-62, and column 6, line 7-column 7, line 9).

Regarding ***claim 15***, Lobiondo discloses the system discussed above in claim 12, and further teaches that the secondary print destination data indicates that the source is to transmit information corresponding to the print task to the secondary print server (column 4, line 16-column 5, line 44).

Regarding ***claim 16***, Lobiondo discloses the system discussed above in claim 10, and further teaches that the primary print server includes means for receiving request data that corresponds to the printing request from a source (column 3, line 16-column 4, line 65), means for selecting a secondary print server to process the printing request (column 4, line 16-column 5, line 44, and column 6, line 50-column 7, line 9), means for transmitting the print queue data to the secondary print server (column 4, line 16-column 5, line 44, and column 6, line 50-column 7, line 9), the print queue data including information corresponding to the printing request (column 6, line 8-column 7, line 9), and means for transmitting the secondary print destination data to the source (column 5, line 34-column 6, line 49), the secondary print destination data including information corresponding to the secondary destination print server (column 5, line 34-column 6, line 49).

Regarding ***claim 17***, Lobiondo discloses the system discussed above in claim 12, and further teaches that the secondary print server includes means for receiving print queue data, and means for receiving secondary print destination data (column 5, line 34-column 7, line 9).

Regarding ***claim 18***, Lobiondo discloses a computer readable medium for use in a computer system for balancing printing request loads (column 3, line 16-column 4, line 34), the computer readable medium comprising logic configured to enable printing request data that corresponds to a printing request from a source to be received by a first destination (steps 410-420 in Fig. 4, column 6, lines 50-67), logic configured to enable a secondary destination to be selected , wherein the secondary destination processes the printing request (steps 415-465 in Fig. 4, column 7, lines 5-9), and logic configured to enable print queue data to be transmitted to the

secondary destination (step 465 in Fig. 4, column 7, lines 5-9), wherein the print queue data includes information corresponding to the printing request (column 6, line 50-column 7, line 9).

Regarding ***claim 19***, Lobiondo discloses the medium discussed above in claim 18, and further teaches of logic configured to enable secondary print destination data to be transmitted to the source, the secondary print destination data including information corresponding to the secondary destination (column 3, line 16-column 4, line 34, and column 5, line 45-column 6, line 49).

Regarding ***claim 20***, Lobiondo discloses the medium discussed above in claim 18, and further teaches of logic configured to enable the print queue data to be created, and logic configured to enable the secondary print destination data to be created (column 6, line 22-column 7, line 9).

Regarding ***claim 21***, Lobiondo discloses the medium discussed above in claim 18, and further teaches of logic configured to enable the print queue data to be received, and logic configured to enable information corresponding to a print task to be received (steps 445-465 in Fig. 4, column 6, line 66-column 7, line 9).

Regarding ***claim 22***, Lobiondo discloses the medium discussed above in claim 18, and further teaches of logic configured to enable printing request data that corresponds to a printing request from a source to be received by a first destination further comprising logic configured to enable multiple print requests to be received at the primary destination (column 5, lines 15-62, and column 6, line 50-column 7, line 9), and logic configured to enable print queue data to be transmitted to the secondary destination further comprising logic configured to enable print

request data that corresponds to at least one of the print requests to be transmitted to the secondary destination (column 6, line 50-column 7, line 9).

Regarding ***claim 23***, Lobiondo discloses the medium discussed above in claim 18, and further teaches that the logic configured to enable a secondary destination to be selected further comprises logic configured to enable communication with the secondary destination (column 6, line 50-column 7, line 9), and logic configured to enable the secondary destination to determine if it is able to process the printing request (column 5, lines 15-62, and column 6, line 7-column 7, line 9).

Regarding ***claim 24***, Lobiondo discloses the medium discussed above in claim 23, and further teaches of logic configured to enable the secondary destination to determine if it is able to continue processing additional printing requests (column 5, lines 15-62, and column 6, line 7-column 7, line 9).

Regarding ***claim 25***, Lobiondo discloses the medium discussed above in claim 18, and further teaches of logic configured to enable the printing request from a source to be received (column 6, line 22-column 7, line 9), and logic configured to enable the secondary print destination data indicating that the source is to transmit information corresponding to a print task to the secondary destination to be transmitted (column 6, line 22-column 7, line 9).

Regarding ***claim 26***, Lobiondo discloses the medium discussed above in claim 18, and further teaches of logic configured to enable the information corresponding to the print task to be sent to the secondary destination (column 6, line 22-column 7, line 9).

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sugishima (U.S. Patent Number 5,768,516) discloses a printer network management system;

Yoshiura *et al.* (U.S. Patent Number 6,100,992) discloses an image-forming system that includes a plurality of copying machines that communicate with each other;

Mastie *et al.* (U.S. Patent Number 6,498,656) discloses a system for controlling selection for print job distribution; and

Richter *et al.* (U.S. Patent Number 6,678,068) discloses a print server link system for printer peripherals.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
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Art Unit 2622

jrp